



Arizona State Courts' Racial Justice Initiatives

While the Arizona Judicial Branch has ongoing initiatives to improve racial justice, more can be done to improve diversity and equality in the judicial system. Planned initiatives include improving the bail system, striving to have a racially and culturally diverse bench and court workforce, ensuring representative juries, and addressing racial disparities in the adult and juvenile justice systems.

To this end, the Arizona Judicial Council and the Commission on Minorities in the Judiciary met on December 17, 2020. The resulting joint session recommendations are targeted for implementation in the Arizona state courts in 2021.

Bail Reform

File Supreme Court rule petitions and amendments to Arizona Code of Judicial Administration (ACJA):

- Allow representation of a defendant by a legal paraprofessional (LP) at an initial appearance hearing to assist with determining the amount of bail and other release conditions
- Require a review hearing if a defendant remains in jail after a judge sets a cash bond
- Modify the current rule clarifying that failure to post the required bail would be grounds for a review hearing



“No-Knock” (Unannounced) and Nighttime Warrants:

- Create a task force to make recommendations regarding no-knock and nighttime warrants, addressing:
 - Statutory and rule changes to clarify requirements to issue a no-knock warrant. As an example, require that requests for no-knock warrants must be approved by a command-level officer or prosecutor.
 - Updated bench scripts and additional judicial training on no-knock and nighttime warrants, including training and materials at new judge orientation.
- Incorporate task force recommendations into bench books and other judicial training platforms

Representative Juries and Juror Service:

Create a jury task force to study and make recommendations regarding:

- Increased racial and ethnic minority participation on juries
- Economic roadblocks that prevent citizens with low incomes from serving on juries, such as juror pay and associated costs such as parking, public transportation, and lost wages
- Sufficiency of prospective juror source lists
- Coordination with tribal nations on improving prospective juror source lists
- Distance issues that present challenges for rural residents to participate in jury service
- Use of the statewide jury management system for collection of demographic information and statistical reporting
- Peremptory challenges to jurors



Plea Bargains:

- Encourage County Attorneys to develop and publish plea bargain guidelines for their county
- Create a task force to make recommendations regarding plea bargains, sentencing and dispositions, addressing:
 - Ways to compile, analyze, and publish demographic data on plea bargains, sentencing, and dispositions
 - Judicial training on plea agreements (improving bias awareness, tracking of dispositions, sufficiency of facts, county attorney plea guidelines, probation discretion, and data entry integrity)
 - Judicial training on best practices in criminal sentencing to ensure that all required assessments and data entry fields are populated and appear on sentencing orders
 - The deployment of public defenders, legal paraprofessionals, or both, to advise defendants about collateral consequences of pleading guilty
 - Clarify by rule, statute, or both, that small bond amounts (\$1-\$100) are not required to ensure that the defendant receives credit for time served when the defendant is also being held on another case.



Disproportionate Minority Contact in Juvenile Justice System:

- Adoption of the juvenile detention screening instrument in all counties
- Adoption of the dispositional matrix tool that determines supervision level based on risk and most serious adjudicated offense in all counties
- Continuing work of the Juvenile Detention Alternative Initiative (JDAI) committees to research, define, and decrease identified racial disparities in their counties
- Publish the *Seventh Arizona Statewide Report Card on Equitable Treatment of Minority Youth* (FY17-19) and present findings to stakeholders
- Research the creation of a data dashboard with demographic breakdowns of juvenile case data to be published on www.azcourts.gov

Enhance the Diversity of the Bench and Court Personnel:

- Explore the establishment of a law student intern/extern program to encourage diverse law school students to gain experience in the courts and encourage them to apply for law clerkships at the Arizona Court of Appeals and Supreme Court
- Encourage the American Bar Association Section of Legal Education and Admissions to the Bar to explore ways to strengthen Standard 206, to promote increased diversity of law school faculty, staff and student bodies
- Modify the Arizona attorney admission application to collect demographic data
- Urge the State Bar of Arizona to identify ways to improve the collection of racial and ethnic membership data
- Collect racial and ethnic demographic data workforce composition on judicial officers and court employees, including probation officers and detention officers

